



CALIFORNIA STATE PERSONNEL BOARD MEETING¹

801 Capitol Mall
Sacramento, California

Public Session Location – 801 Capitol Mall
Sacramento, California, Room 150

Closed Session Location – 801 Capitol Mall
Sacramento, California, Room 141

SUMMARY MINUTES – NOVEMBER 20, 2007

¹ Sign Language Interpreter will be provided for Board Meeting upon request - contact Secretariat at (916) 653-0429, or CALNET 453-0429, TDD (916) 654-2360.

MID MONTH BOARD MEETING MINUTES²

November 20, 2007

PUBLIC SESSION OF THE STATE PERSONNEL BOARD

1. ROLL CALL

MEMBERS PRESENT:

Sean Harrigan, President
Anne Sheehan, Vice President
Patricia Clarey, Member
Richard Costigan, Member

2. REPORT OF THE EXECUTIVE OFFICER – Suzanne M. Ambrose

- The new Chief of the Consulting Services Division is Chila Silva-Martin. Chila joins us from DFEH, where she was the Deputy Director of Administration. Chila will manage the Medical Office and the Psychological Screening, Mediation, Civil Rights, Technical Training, and Bilingual Services programs.
- SSA exam:
 - 10,704 candidates have passed the exam
 - 1,637 candidates are in Rank 4
 - 21 veterans have been hired
 - 5 candidates have been added to the top of the list as SROA from the Board of Chiropractic Examiners

3. REPORT OF THE CHIEF COUNSEL – Elise Rose

- SPB has been successful in two lawsuits filed against the department: In DDS v SPB (Callauhan) involving cross writs, the court upheld the Board's decision, finding that it was proper for the Board to accept as accurate part of a witness's testimony, but not all; in Steir v. SPB, the court upheld the Board's decision to sustain the demotion of a manager.
- The DMV has asked our department to revise regulations relating to the demonstration project recently made permanent via legislation supported by SPB. DMV wants the regulations to cover more managerial positions than the demonstration project did. SPB staff believes that changes are authorized by statute and will amend the regulations and submit them to the Board at a later date.

² The Agenda for the Board Meetings can be obtained at the following Internet address:
<http://www.spb.ca.gov/calendar.htm>

- The contracting out regulations have been filed with the Secretary of State.
- SPB legal staff have requested from DPA an Attorney IV position and are waiting to hear back.

4. NEW BUSINESS

NONE PRESENTED

5. REPORT ON LEGISLATION – Sherry Evans

NONE PRESENTED

CLOSED SESSION OF THE STATE PERSONNEL BOARD

6. EMPLOYEE APPOINTMENTS, DISCIPLINARY MATTERS, AND OTHER APPEALS

Deliberations to consider matter submitted at prior hearing.
[Government Code Sections 11126(c)(3), 18653.]

7. DELIBERATION ON ADVERSE ACTIONS, DISCRIMINATION COMPLAINTS, AND OTHER PROPOSED DECISIONS SUBMITTED BY ADMINISTRATIVE LAW JUDGES

Deliberations on matters submitted at prior hearing; on proposed, rejected, remanded, and submitted decisions; petitions for rehearing; and other matters related to cases heard by administrative law judges of the State Personnel Board or by the Board itself.
[Government Code Sections 11126 (c)(3), and 18653.]

8. PENDING LITIGATION

Confer with legal counsel to receive advice regarding pending litigation when discussion in open session would be prejudicial.
[Government Code sections 11126(e)(1) and 18653.]

Patrick McCollum v. State of California
United States District Court, Northern District of California
Case No. C 04-03339 CRB

Plata, et al. v. Schwarzenegger, et al.
Case No. C01-1351 THE

Colocousis, et al. v. State Personnel Board, et al.
Sacramento Superior Court Case No. 07CS00461

9. RECOMMENDATIONS TO THE LEGISLATURE

NO ACTION

10. RECOMMENDATIONS TO THE GOVERNOR

NO ACTION

PUBLIC SESSION OF THE STATE PERSONNEL BOARD

**11. DISCUSSION OF UPCOMING DECEMBER 4, 2007 BOARD MEETING
SCHEDULE IN SAN FRANCISCO, CALIFORNIA**

NONE

BOARD ACTIONS:

**12. ADOPTION OF THE STATE PERSONNEL BOARD SUMMARY MINUTES OF
OCTOBER 22, 2007**

ACTION: ADOPTED

VOTE: Harrigan, Sheehan, Clarey, Costigan – Aye

13. EVIDENTIARY CASES

ACTION: See Case Listings on Pages 10-15

**14. RESOLUTION EXTENDING TIME UNDER GOVERNMENT CODE
SECTION 18671.1 EXTENSION - (See Minutes on Pages 21-22)**

ACTION: ADOPTED

VOTE: Harrigan, Sheehan, Clarey, Costigan - Aye

15. NON-EVIDENTIARY CASES

ACTION: See Case Listings on Pages 15-18

16. NON-HEARING CALENDAR

The following proposals were made to the State Personnel Board by either the Board staff or Department of Personnel Administration staff:

On November 20, 2007, the following proposals were presented to the Board by Elise Rose, Chief Counsel, California State Personnel Board.

ACTION: ADOPTED

VOTE: Harrigan, Sheehan, Clarey, Costigan - Aye

A. BOARD ITEMS PRESENTED BY STATE PERSONNEL BOARD OR DEPARTMENT OF PERSONNEL ADMINISTRATION TO ESTABLISH, REVISE OR ABOLISH CLASSIFICATIONS, ALTERNATE RANGE CRITERIA, ETC.

PROPOSED AMENDMENT TO ALTERNATE RANGE CRITERIA 11, RANGE 7

Proposed revision to Alternate Range Criteria 11, Range 7 to include specific vocational and academic staff and the Reentry Program Instructor, California Department of Corrections. In addition, add footnote 21 to the Reentry Program Instructor, California Department of Corrections class.

ACTION: ADOPTED

VARIOUS CLASSIFICATIONS – BARGAINING UNIT 07

Proposed revision to various Bargaining Unit 07 classifications that are currently split between positions with peace officer or non-peace officer responsibilities; establishment of new parenthetical classifications that have non-peace officer status.

ACTION: ADOPTED

B. ABOLISHMENT OF CLASSES THAT HAVE HAD NO INCUMBENTS FOR MORE THAN TWO YEARS. DEPARTMENTS THAT UTILIZE THE CLASS AS WELL AS THE APPROPRIATE UNION HAVE NO OBJECTION TO THE ABOLISHMENT OF THESE CLASSES.

THE DEPARTMENT OF PERSONNEL ADMINISTRATION AND STATE PERSONNEL BOARD propose to abolish the following unused classifications, which have been vacant for more than twenty-four months. Departments that utilize the class as well as the appropriate union have no objection to the abolishment of these classes. When classes are proposed to be abolished which are part of a class series, and other classes within the series will continue to be used, the class specification is included in the board item.

NONE

17. STAFF CALENDAR ITEMS FOR BOARD INFORMATION

NONE

18. CAREER EXECUTIVE ASSIGNMENT (CEA) CATEGORY ACTIVITY

This section of the Minutes serves to inform interested individuals and departments of proposed and approved CEA position actions.

A. REQUESTS TO ESTABLISH NEW OR REVISE EXISTING CEA POSITIONS CURRENTLY UNDER CONSIDERATION

CHIEF INFORMATION SECURITY OFFICER, DEPARTMENT OF TRANSPORTATION

The Department of Transportation proposes to allocate the above position to the CEA category. The Chief ISO position is responsible for the development of security policies, procedures and criteria for the protection of the Department's information assets. The incumbent develops and implements policies that provide operational guidelines and delineates roles and responsibilities of Department entities to prevent unauthorized access, corruption, disclosure or destruction of Department information or information systems, and to ensure the security, integrity, and confidentiality of information assets.

CHIEF DEPUTY DIRECTOR, OFFICE OF GANG AND YOUTH VIOLENCE, GOVERNOR'S OFFICE OF EMERGENCY SERVICES

The Office of Emergency Services proposes to allocate the above position to the CEA category. The Chief Deputy Director will serve as the principal advisor to the Director of the newly established Office and the CalGRIP Program and represent the Director in his stead. The Office of Gang and Youth Violence shall be responsible for identifying and evaluating federal, state, and local gang and youth violence suppression, intervention, prevention programs and strategies, along with the funding for those efforts. The position is responsible for establishing and/or recommending changes to policy, and establishing goals and objectives.

REGIONAL ADMINISTRATOR, (NORTHERN), DEPARTMENT OF CORRECTIONS AND REHABILITATION

The Department of Corrections and Rehabilitation proposes to allocate the above position to the CEA category. The Regional Administrator is responsible for the administration of a very large, complex and sensitive health care delivery system within a major geographic area of

the State. As a member of the management team, develops and implements policy decisions.

REGIONAL ADMINISTRATOR, (SOUTHERN), DEPARTMENT OF CORRECTIONS AND REHABILITATION

The Department of Corrections and Rehabilitation proposes to allocate the above position to the CEA category. The Regional Administrator is responsible for the administration of a very large, complex and sensitive health care delivery system within a major geographic area of the State. As a member of the management team, develops and implements policy decisions.

REGIONAL ADMINISTRATOR, (CENTRAL), DEPARTMENT OF CORRECTIONS AND REHABILITATION

The Department of Corrections and Rehabilitation proposes to allocate the above position to the CEA category. The Regional Administrator is responsible for the administration of a very large, complex and sensitive health care delivery system within a major geographic area of the State. As a member of the management team, develops and implements policy decisions.

DEPUTY DIRECTOR, CONSOLIDATED CARE CENTERS, DEPARTMENT OF CORRECTIONS AND REHABILITATION

The Department of Corrections and Rehabilitation proposes to allocate the above position to the CEA category. The Deputy Director, Consolidated Care Centers is required for compliance with the *Coleman* Special Master's recommendations and will play a critical role in complying the court's mandates and mental health professional standards. The position will develop and implement policy and oversee facility changes.

B. EXECUTIVE OFFICER DECISIONS REGARDING REQUESTS TO ESTABLISH NEW OR REVISE EXISTING CEA POSITIONS

CHIEF, CLINICAL OPERATIONS DIVISION

The Department of Corrections and Rehabilitation's request to allocate the above position has been approved effective October 16, 2007.

DEPUTY DIRECTOR, COMPLIANCE DIVISION

The California Gambling Control Commission's request to allocate the above position has been approved effective November 1, 2007.

ASSISTANT DEPUTY DIRECTOR, CENTER FOR HEALTHCARE QUALITY

The Department of Public Health's request to allocate the above position has been approved effective November 1, 2007.

DIRECTOR, ADMINISTRATION DIVISION

The Commission on Teacher Credentialing's request to allocate the above position has been approved effective November 1, 2007.

CHIEF, OFFICE OF INTERNAL AUDITS

The California Lottery's request to allocate the above position has been approved effective November 1, 2007.

CHIEF, OFFICE OF THE OMBUDSMAN

The Department of Corrections and Rehabilitation's request to allocate the above position has been approved effective November 1, 2007.

PROPOSITION 1B PROGRAM MANAGER

The Department of Transportation's request to allocate the above position has been approved effective November 1, 2007.

DEPUTY DISTRICT DIRECTOR, PROGRAM/PROJECT MANAGEMENT

The Department of Transportation's request to allocate the above position has been approved effective November 1, 2007.

CHIEF, RESEARCH SERVICES AND DATA DEVELOPMENT BRANCH

The Department of Social Services' request to allocate the above position has been approved effective November 1, 2007.

ACTION: NOTED

19. EMPLOYEE APPOINTMENTS, DISCIPLINARY MATTERS, & OTHER APPEALS

Deliberations to consider matter submitted at prior hearing. [Government Code sections 11126(c)(3), 18653.]

NO ACTION

20. WRITTEN STAFF REPORT FOR BOARD INFORMATION

NONE

21. PRESENTATION OF EMERGENCY ITEMS AS NECESSARY

NONE

22. BOARD ACTIONS ON SUBMITTED ITEMS

ACTION: See Minutes on Pages 19-20

A D J O U R N M E N T

**WHAT FOLLOWS IS A RECORD OF ACTION TAKEN ON AGENDA ITEMS 13 - 15
AS NOTED**

13. EVIDENTIARY CASES

The Board Administrative Law Judges conduct evidentiary hearings in appeals that include, but are not limited to, adverse actions, medical terminations, demotions, discrimination, reasonable accommodations, and whistleblower complaints.

A. BOARD CASES SUBMITTED

These items have been taken under submission by the State Personnel Board at a prior meeting.

On November 20, 2007, the Board took the following action on the following cases as presented by Elise Rose, Chief Counsel, California State Personnel Board.

VOTE: Harrigan, Sheehan, Clarey, Costigan - Aye

(1) CASE NO. 05-1007EA

Appeal from denial of discrimination complaint

Classification: Outside contractor

Department: Department of Transportation

Proposed decision rejected December 19, 2006.

Pending oral argument April 3, 2007, Sacramento.

Oral argument continued.

Oral argument heard July 10, 2007, Sacramento.

Case ready for decision by FULL Board.

NO ACTION

(2) CASE NO. 06-2010A

Appeal from medical termination

Classification: Administrative Support Coordinator II

Department: California State University, Los Angeles

Proposed decision rejected May 8, 2007.

Transcript prepared.

Oral argument heard August 7, 2007, Pasadena.

Case ready for decision by FULL Board.

NO ACTION

(3) CASE NO. 05-2721A

Appeal from dismissal

Classification: Health Facilities Evaluator Nurse

Department: Department of Health Services

Proposed decision rejected June 5, 2007.

Transcript prepared.

Oral argument heard November 5, 2007, San Diego.

Case ready for decision by FULL Board.

NO ACTION

(4) CASE NO. 05-1043P

Appeal from dismissal

Classification: Tax Counsel, Range D

Department: Board of Equalization

Petition for rehearing granted June 5, 2007.

Transcript prepared.

Oral argument heard October 9, 2007, Sacramento.

Case ready for decision by FULL Board.

NO ACTION

(5) PSC No. 07-02, CASE NO. 07-003 (b)

Appeal from Executive Officer's disapproval of contract

Classification: Janitorial Services

Department: Department of Health Services

Petition for rehearing granted May 8, 2007.

Oral argument heard September 4, 2007, Sacramento.

Case ready for decision by FULL Board.

NO ACTION

B. CASES PENDING

ORAL ARGUMENTS

NONE

C. CHIEF COUNSEL RESOLUTIONS

NONE

COURT REMANDS

NONE

STIPULATIONS

NONE

D. ADMINISTRATIVE LAW JUDGE'S (ALJ) PROPOSED DECISIONS

PROPOSED DECISIONS

These ALJ proposed decisions were submitted to the Board for the first time.

On November 20, 2007, the Board took the following action on the cases listed as presented by Elise Rose, Chief Counsel, California State Personnel Board.

VOTE: Harrigan, Sheehan, Clarey, Costigan – Aye

- (1) CASE NO. 06-3550**
Appeal from dismissal
Classification: Correctional Officer
Department: Department of Corrections and Rehabilitation
ACTION: The Board adopted the ALJ's Proposed Decision
- (2) CASE NO. 06-4733**
Appeal from five percent reduction in salary for six months
Classification: Correctional Officer
Department: Department of Corrections and Rehabilitation
ACTION: The Board adopted the ALJ's Proposed Decision
- (3) CASE NO. 07-0670**
Appeal from ten percent reduction in salary for ten months
Classification: Accounting Technician
Department: Employment Development Department
ACTION: The Board adopted the ALJ's Proposed Decision
- (4) CASE NO. 07-2012**
Appeal from termination of temporary appointment (TAU)
Classification: Scientific Aid
Department: Department of Food and Agriculture
ACTION: The Board adopted the ALJ's Proposed Decision

- (5) **CASE NOS., 05-0665 & 05-2345E**
Appeal from dismissal and discrimination/retaliation complaint
Classification: Lead Judicial Secretary
Department: Department of Corrections and Rehabilitation
ACTION: The Board adopted the ALJ's Proposed Decision
- (6) **CASE NO. 07-0300**
Appeal from 60 working day's suspension
Classification: Parole Agent I, Adult Parole
Department: Department of Corrections and Rehabilitation
ACTION: The Board adopted the ALJ's Proposed Decision
- (7) **CASE NO. 06-1946**
Appeal from 48 working days suspension
Classification: Correctional Officer
Department: Department of Corrections and Rehabilitation
ACTION: The Board adopted the ALJ's Proposed Decision
- (8) **CASE NO. 06-1949**
Appeal from 10 working days suspension
Classification: Officer
Department: Department of California Highway Patrol
ACTION: The Board adopted the ALJ's Proposed Decision
- (9) **CASE NO. 06-4228**
Appeal from 10 percent reduction in salary for 12 months
Classification: Correctional Lieutenant
Department: Department of Corrections and Rehabilitation
ACTION: The Board adopted the ALJ's Proposed Decision
- (10) **CASE NO. 07-0987**
Appeal from rejection during probationary period
Classification: Licensed Vocational Nurse
Department: Department of Corrections and Rehabilitation
ACTION: The Board adopted the ALJ's Proposed Decision
- (11) **CASE NO. 07-1293**
Appeal from dismissal
Classification: Correctional Officer
Department: Department of Corrections and Rehabilitation
ACTION: The Board adopted the ALJ's Proposed Decision
- (12) **CASE NO. 06-4374**
Appeal from dismissal
Classification: Office Assistant (General)
Department: Department of Motor Vehicles
ACTION: The Board adopted the ALJ's Proposed Decision

(13) CASE NO. 06-3397

Appeal from rejection during probationary period

Classification: Tax Auditor

Department: State Board of Equalization

ACTION: The Board adopted the ALJ's Proposed Decision

PROPOSED DECISIONS AFTER BOARD REMAND

(14) CASE NO. 06-1760R

Appeal from five percent reduction in salary for an indeterminate period of time

Classification: Associate Governmental Program Analyst

Department: Department of Motor Vehicles

ACTION: The Board adopted the ALJ's Proposed Decision

PROPOSED DECISIONS AFTER SPB ARBITRATION

NONE

E. PETITIONS FOR REHEARING

ALJ PROPOSED DECISIONS ADOPTED BY THE BOARD

NONE

WHISTLEBLOWER NOTICE OF FINDINGS

NONE

F. PENDING BOARD REVIEW

These cases were pending preparation of transcripts, briefs, or the setting of oral argument before the Board.

On November 20, 2007, the Board took the following action on the cases listed as presented by Elise Rose, Chief Counsel, California State Personnel Board.

VOTE: Harrigan, Sheehan, Clarey, Costigan – Aye

(1) CASE NO. 06-3534A

Appeal from constructive medical termination

Classification: Psychiatric Technician Assistant

Department: Department of Developmental Services

Proposed decision rejected June 19, 2007.

Transcript prepared.

Oral argument continued.

NO ACTION

- (2) **CASE NO. 06-3014PA**
Appeal from punitive transfer
Classification: Correctional Sergeant
Department: Department of Corrections and Rehabilitation

Petition for rehearing granted July 10, 2007.
Transcript prepared.
Pending oral argument October 9, 2007, Sacramento.
Oral argument continued.
Pending oral argument December 4, 2007, San Francisco

NO ACTION

- (3) **CASE NO. 07-0850A**
Appeal from non-punitive termination
Classification: Clinical Social Worker
Department: Department of Corrections and Rehabilitation

Proposed decision rejected September 24, 2007.
Pending transcript.

NO ACTION

- (4) **CASE NO. 05-3327A**
Appeal from dismissal
Classification: Medical Technical Assistant
Department: Department of Corrections and Rehabilitation

Proposed decision rejected July 10, 2007.
Transcript prepared.

NO ACTION

- (5) **CASE NO. 06-1413PA**
Appeal from five percent reduction in salary for six months
Classification: Registered Nurse
Department: Department of Corrections and Rehabilitation

Petition for rehearing granted August 7, 2007.
Transcript prepared.
Pending oral argument December 4, 2007, San Francisco.

NO ACTION

24. NON-EVIDENTIARY CASES

A. WITHHOLD APPEALS

Cases heard by a Staff Hearing Officer, a managerial staff member of the State Personnel Board or investigated by Appeals Division staff. The Board was presented recommendations by a Staff Hearing Officer or Appeals Division staff for final decision on each appeal.

WITHHOLD FROM CERTIFICATION
CASES HEARD BY A STAFF HEARING OFFICER

NONE

WITHHOLD FROM CERTIFICATION
CASES NOT HEARD BY A STAFF HEARING OFFICER

On November 20, 2007, the Board adopted, as indicated below, the following items as presented by Elise Rose, Chief Counsel, California State Personnel Board.

VOTE: Harrigan, Sheehan, Clarey, Costigan – Aye

(1) CASE NO. 06-3142N

Classification: Correctional Officer

Department: California Department of Corrections and Rehabilitation

Issue: Suitability; active arrest warrant, omitting pertinent information.

ACTION: DENIED

(2) CASE NO. 06-3150N

Classification: Correctional Officer

Department: California Department of Corrections and Rehabilitation

Issue: Suitability; negative driving record.

ACTION: DENIED

(3) CASE NO. 06-3013N

Classification: Correctional Officer

Department: California Department of Corrections and Rehabilitation

Issue: Suitability; failure to disclose law enforcement contacts.

ACTION: DENIED

- (4) **CASE NO. 06-3024N**
Classification: Correctional Officer
Department: California Department of Corrections and Rehabilitation
Issue: Suitability; job termination within one year of CDCR application.
ACTION: DENIED
- (5) **CASE NO. 06-3132N**
Classification: Correctional Officer
Department: California Department of Corrections and Rehabilitation
Issue: Suitability; negative employment record
ACTION: DENIED
- (6) **CASE NO. 06-3133N**
Classification: Correctional Officer
Department: California Department of Corrections and Rehabilitation
Issue: Suitability; omitting information, negative driving and employment record.
ACTION: DENIED
- **CASE NO. 07-0697N**
Classification: Youth Correctional Counselor
Department: California Department of Corrections and Rehabilitation
ACTION: DENIED
 - **CASE NO. 07-3107N**
Classification: Correctional Officer
Department: California Department of Corrections and Rehabilitation
ACTION: DENIED

B. MEDICAL AND PSYCHOLOGICAL SCREENING APPEALS

Cases heard by a Staff Hearing Panel comprised of a managerial staff member of the State Personnel Board and a medical professional. The Board was presented recommendations by a Hearing Panel on each appeal.

- (1) **CASE NO. 06-1585N**
Classification: Cadet, CHP
Department: California Highway Patrol
Issue: Suitability; deficits in judgment, maturity and recent underage drinking.
ACTION: ADOPTED

**C. EXAMINATION APPEALS
 MINIMUM QUALIFICATIONS
 MERIT ISSUE COMPLAINTS**

NONE

**D. RULE 211 APPEALS
 RULE 212 OUT OF CLASS APPEALS
 VOIDED APPOINTMENT APPEALS**

- **CASE NO. 07-3326N**
 Classification: Unknown
 Department: State Personnel Board – B.I. Unit

E. REQUEST TO FILE CHARGES CASES

Investigated by Appeals Division staff. The Board was presented recommendations by Appeals Division staff for final decision on each request.

- (1) CASE NO. 06-1829N**
 Classification: Battalion Chief
 Department: California Department of Forestry and Fire Protection
 ACTION: DENIED

PETITIONS FOR REHEARING CASES

NONE

SUBMITTED

1. **TEACHER STATE HOSPITAL (SEVERELY), ETC.**
Departments of Mental Health and Developmental Services. (Hearing held December 3, 2002.)
2. **VOCATIONAL INSTRUCTOR (SAFETY) (VARIOUS SPECIALTIES)**
Departments of Mental Health and Developmental Services. (Hearing held December 3, 2002.)
3. **TELEVISION SPECIALIST (SAFETY)**
The Department of Corrections proposes to establish the new classification Television Specialist (Safety) by using the existing Television Specialist class specification and adding "Safety" as a parenthetical to recognize the public safety aspect of the job, additional language will be added to the Typical Tasks section of the class specification and a Special Physical Characteristics section will be added. (Presented to Board March 4, 2003.)
4. **HEARING – Personal Services Contract #04-03**
Appeal of the California State Employees Association from the Executive Officer's April 15, 2004, Approval of Master Contracts between the California Department of Corrections and Staffing Solutions, CliniStaff, Inc., Staff USA, Inc., CareerStaff Unlimited, MSI International, Inc., Access Medical Staffing & Service, Drug Consultants, Infinity Quality Services Corporation, Licensed Medical Staffing, Inc., Morgan Management Services, Inc., Asereth Medical Services, and PrideStaff dba Rx Relief. (Hearing held August 12, 2004.)
5. **HEARING**
Proposed new and revised State Personnel Board Regulations effecting equal opportunity, discrimination complaints and reasonable accommodation policies and procedures. (Hearing held July 7, 2004.)
6. **HEARING – PROPOSED AMENDMENTS TO REGULATIONS CONCERNING PROCEDURES THAT APPLY TO COST SAVINGS PERSONAL SERVICES CONTRACTS UNDER GOVERNMENT CODE SECTION 19130(a)**
(Hearing held July 10, 2007.)
7. **CASE NO. 05-4007EA**
Appeal from denial of discrimination complaint. Outside contractor. Department of Transportation. (Oral argument held July 10, 2007.)
8. **CASE NO. 06-3023A.** Appeal from ten percent reduction in salary for three months. Psychiatric Technician. Department of Corrections and Rehabilitation. (Oral argument held on August 7, 2007.)

9. **CASE NO. 06-2010A.** Appeal from medical termination. Administrative Support Coordinator II. California State University, Los Angeles. (Oral argument held on August 7, 2007.)
10. **PERSONAL SERVICES CONTRACT NO. 07-02, CASE NO. 07-003(b)** Appeal in the matter of the Executive Officer's disapproval of the Janitorial Services contract entered into by the Department of Health Services. (Oral argument held September 4, 2007.)
11. **CASE NO. 07-1969** Appeal from 5 day suspension. Officer. California Highway Patrol. (Case taken under submission on October 22, 2007.)
12. **HEARING**
Proposed establishment of the Lifeguard (Permanent Intermittent) classification, with a six month probationary period and designation of the class as sensitive for the purpose of pre-employment drug testing. (Hearing held November 5, 2007.)
13. **HEARING**
Proposed change to the probationary period for the Registered Nurse, Correctional Facility class from six to twelve months. (Hearing held November 5, 2007.)

NOTICE OF GOVERNMENT CODE SECTION 18671.1 RESOLUTION

Since Government Code section 18671.1 requires that cases pending before State Personnel Board Administrative Law Judges (ALJ's) be completed within six months or no later than 90 days after submission of a case, whichever is first, absent the publication of substantial reasons for needing an additional 45 days, the Board hereby publishes its substantial reasons for the need for the 45-day extension for some of the cases now pending before it for decision.

An additional 45 days may be required in cases that require multiple days of hearings, that have been delayed by unusual circumstances, or that involve any delay generated by either party (including, but not limited to, submission of written briefs, requests for settlement conferences, continuances, discovery disputes, pre-hearing motions). In such cases, six months may be inadequate for the ALJ to hear the entire case, prepare a proposed decision containing the detailed factual and legal analysis required by law, and for the State Personnel Board to review the decision and adopt, modify or reject the proposed decision within the time limitations of the statute.

Therefore, at its next meeting, the Board will issue the attached resolution extending the time limitation by 45 days for all cases that meet the above criteria, and that have been before the Board for less than six months as of the date of the Board meeting.

GOVERNMENT CODE SECTION 18671.1 RESOLUTION

WHEREAS, Section 18671.1 provides that, absent waiver by the appellant, the time period in which the Board must render its decision on a petition pending before it shall not exceed six months from the date the petition was filed or 90 days from the date of submission; and

WHEREAS, Section 18671.1 also provides for an extension of the time limitations by 45 additional days if the Board publishes substantial reasons for the need for the extension in its calendar prior to the conclusion of the six-month period; and

WHEREAS, the Agenda for the instant Board meeting included an item titled "Notice of Government Code section 18671.1 Resolution" which sets forth substantial reasons for utilizing that 45-day extension to extend the time to decide particular cases pending before the Board;

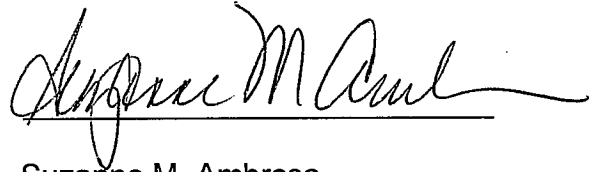
WHEREAS, there are currently pending before the Board cases that have required multiple days of hearing and/or that have been delayed by unusual circumstances or by acts or omissions of the parties themselves;

NOW, THEREFORE, BE IT RESOLVED AND ORDERED that the time limitations set forth in Government Code section 18671.1 are hereby extended an additional 45 days for all cases that have required multiple days of hearing or that have been delayed by acts or omissions of the parties or by unusual circumstances and that have been pending before the Board for less than six months as of the date this resolution is adopted.

* * * * *

I hereby certify that the State Personnel Board made and adopted the preceding resolution at its meeting held on December 4, 2007.

VOTE: Harrigan, Sheehan, Tom, Costigan - AYE

A handwritten signature in black ink, appearing to read "Suzanne M. Ambrose", written over a horizontal line.

Suzanne M. Ambrose
Executive Officer
California State Personnel Board